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Please find below and/or attached an Office communication concerning this application or proceeding.

1. The Response filed February 19, 2003 (Paper No. 8) in response to the Office Action of January 14, 2003 (Paper No. 7) is acknowledged and has been entered. Upon review and reconsideration and in view of the submitted copy of the Preliminary Amendment filed August 16, 2001, the previous restriction requirement is withdrawn.

2. It is noted that although the Preliminary Amendment requests the cancellation of claims 1-43 of the parent application, the specification as filed contains only claims 1-16 which are disclosed on pages 73-75 of the specification. However, it will be assumed for examination purposes that because of an inadvertent error, the claims were listed as claims 1-43 and therefore claims 1-16 have been canceled. Further, newly added claims 44-70 have been renumbered under CFR 1.126 as claims 17-43.

3. Claims 17-43 are pending in the application and are currently under prosecution.

4. **Please Note:** In an effort to enhance communication with our customers and reduce processing time, Group 1640 is running a Fax Response Pilot for Written Restriction Requirements. A dedicated Fax machine is in place to receive your responses. The Fax number is 703-308-4315. We encourage your participation in this Pilot program. If you have any questions or suggestions please contact Anthony Caputa, Ph.D., Supervisory Patent Examiner at 703-308-3995. Thank you in advance for allowing us to enhance our customer service. Please limit the use of this dedicated Fax number to responses to Written Restrictions

5. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group A. Claims 17 and 31 are drawn to three peptides, each of which is a separate invention classified in Class 530, subclass 300+. Applicant is required to elect a single invention for examination.

Group B. Claims 18 and 32 are drawn to an antibody reactive with at least one of the peptides of claim 17 classified in Class 530, subclass 387.1. It is noted that by factorial analysis, claim 18 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group C. Claim 19 is drawn to a method of preventing or treating cancer comprising administering an antibody of claim 18, classified in Class 424, subclass 130.1+. It appears that this claim is drawn to either a single antibody or a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 19 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

6. It is noted that the six inventive claim limitations of claim 19 of the instant application have been determined to be linking claims. Upon election of a single invention of Group C, claim 19, the restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented

in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group C1. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent adrenal cancer classified in Class 424, subclass 130.1+.

Group C2. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent breast cancer classified in Class 424, subclass 130.1+.

Group C3. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent pancreas cancer classified in Class 424, subclass 130.1+.

Group C4. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent nervous system cancer classified in Class 424, subclass 130.1+.

Group C5. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent lung cancer classified in Class 424, subclass 130.1+.

Group C6. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent colon cancer classified in Class 424, subclass 130.1+.

Group C7. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent ovarian cancer classified in Class 424, subclass 130.1+.

Group C8. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent prostate cancer classified in Class 424, subclass 130.1+.

Group C9. Claims 19 and 20 drawn to a method of using an antibody to treat or prevent chondrosarcoma cancer classified in Class 424, subclass 130.1+.7.

Group D. Claim 21 is drawn to a method of diagnosing or monitporing a disease comprising measuring the levels of adrenomedullin wherein the presence or absence of adrenomedullin indicates the existence of or predisposition to the disease. The claim is drawn to 2 assays with two different processes, that is diagnosing/ monitoring, two different disease states, that is existence of/predisposition to, and two different disease parameters, that is presence or absence of adrenomedullin, the combination of each is a separate invention. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

7 It is noted that the invention of claim 21, D1 of the instant application have been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D1A. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D1B. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D1C. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D1D. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D1E. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

8 It is noted that the inventions of claim 21, D2 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D2A. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D2B. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D2C. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D2D. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D2E. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

9. It is noted that the inventions of claim 21, D3 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked

inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D3A. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D3B. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D3C. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein

the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D3D. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D3E. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

10. It is noted that the inventions of claim 21, D4 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no

longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D4A. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D4B. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D4C. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D4D. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

Group D4E. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein

the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the existence of a disease classified in Class 435, subclasses 4 and 7.1.

11. It is noted that the inventions of claim 21, D5 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D5A. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D5B. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein

the disease is renal disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D5C. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D5D. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D5E. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

12. It is noted that the inventions of claim 21, D6 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to

examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D6A. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D6B. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D6C. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D6D. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D6E. Claims 21 and 22 are drawn to a method of diagnosing a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

13. It is noted that the inventions of claim 21, D7 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D7A. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D7B. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D7C. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D7D. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D7E. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of

adrenomedullin wherein the presence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

14. It is noted that the inventions of claim 21, D8 of the instant application has been determined to be a linking claims. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group D8A. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is diabetes by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D8B. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is renal disease by measuring the levels of adrenomedullin wherein

the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D8C. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is bone disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D8D. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is skin disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group D8E. Claims 21 and 22 are drawn to a method of monitoring a disease other than hypotension, hypertension or cardiac incompetence wherein the disease is hematopoietic cell disease by measuring the levels of adrenomedullin wherein the absence of adrenomedullin indicates the predisposition for a disease classified in Class 435, subclasses 4 and 7.1.

Group E. Claim 23 is drawn to a method of preventing or treating type II diabetes comprising administering an amount of the peptides of claim 17 or antibodies reactive therewith, classified in Class 424, subclass 130+ and Class 514, subclass 2+. It appears that this claim is drawn to either a single peptide or a combination of peptides, or a single antibody thereto or a combination of antibodies thereto. By factorial analysis there are six combinations or peptides and six combinations of antibodies and the number of inventions claimed in

claim 23, as determined by factorial analysis 12. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination thereof or claimed antibody or combination.

Group F. Claim 24 is drawn to a method of diagnosing or treating women for conditions of pregnancy using the peptides of claim 17 or antibodies thereto and that by factorial analysis there are 6 combinations of peptides or 6 combinations of antibodies thereto, therefore claim 24 reads on 24 different inventions, that is one of each of diagnosing or treating combined with one of the combinations of peptides or antibodies, all classified in Class 514, subclass 2+ or Class 424, subclass 130.1+. Applicant is required to elect a single invention for examination.

15. Upon the election above, it is noted that the elected inventions of claim 24, of the instant application has been determined to be a linking claim. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the

provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group F1A. Claims 24 and 25 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is preeclampsia comprising administering an amount of the elected invention, classified in Class 514, subclass 2+ or Class 424, subclass 130.1+.

Group F1B. Claims 24 and 25 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is fetal growth comprising administering an amount of the elected invention, classified in Class 514, subclass 2+ or Class 424, subclass 130.1+.

Group G1. Claim 26 is drawn to a method of regulating activity in areas of CNS, neurotransmission comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 24 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group G2. Claims 24 and 25 are drawn to a method of regulating activity in areas of CNS, neuron growth comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 24 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group G3. Claim 26 is drawn to a method of regulating activity in areas of CNS, neurotransmission comprising administering an amount of antibodies to the peptides of claim 17, classified in Class 424, subclass 130.1+. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 24 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group G4. Claim 26 is drawn to a method of regulating activity in areas of CNS, neuron growth comprising administering an amount of antibodies to the peptides of claim 17, classified in Class 424, subclass 130.1+. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 24 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H1. Claim 27 is drawn to is drawn a method of regulating/ lessening the allergic response due to degranulation of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H2. Claim 27 is drawn to is drawn a method of regulating/ lessening the allergic response due to involvement of immune response cells of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H3. Claim 27 is drawn to is drawn a method of regulating/ lessening an inflammatory response due to degranulation of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H4. Claim 27 is drawn to is drawn a method of regulating/ lessening an inflammatory response due to involvement of immune response cells of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H5. Claim 27 is drawn to is drawn a method of regulating/ inhibiting the allergic response due to degranulation of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H6. Claim 27 is drawn to is drawn a method of regulating/ inhibiting the allergic response due to involvement of immune response cells of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H7. Claim 27 is drawn to is drawn a method of regulating/ inhibiting an inflammatory response due to degranulation of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group H8. Claim 27 is drawn to is drawn a method of regulating/ inhibiting an inflammatory response due to involvement of immune response cells of mast cells comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group I1. Claim 28 is drawn to a method of treating/inhibiting bacterial infections comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group I2. Claim 28 is drawn to a method of treating/inhibiting fungal infections comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group I3. Claim 28 is drawn to a method of preventing bacterial infections comprising administering an amount of the peptides of claim 17,

classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group I4. Claim 28 is drawn to a method of preventing fungal infections comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group I5. Claim 28 is drawn to a method of treating/inhibiting bacterial infections comprising administering comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group I6. Claim 28 is drawn to a method of treating/inhibiting fungal infections comprising administering comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of

inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group I7. Claim 28 is drawn to a method of preventing bacterial infections comprising administering comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 28 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group I8. Claim 28 is drawn to a method of preventing fungal infections comprising administering comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 27 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group J1. Claim 29 is drawn to is drawn to a method of facilitating healing of chaffed skin comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is

determined by factorial analysis and claim 29 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group J2 Claim 29 is drawn to is drawn to a method of facilitating healing of skin lesions comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 29 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group J3. Claim 29 is drawn to is drawn to a method of facilitating healing of wound repair comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 29 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group J4. Claim 29 is drawn to is drawn to a method of facilitating healing of surgical incisions comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 29 is drawn to 6 inventions. Applicant is required to elect a single invention for examination

whereby the claimed peptide or combination of peptides is specifically recited.

Group K1. Claim 30 is drawn to a method of promoting organ development comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 30 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group K2. Claim 30 is drawn to a method of promoting bone development comprising administering an amount of the peptides of claim 17, classified in Class 514, subclass 2+. It appears that this claim is drawn to a combination of peptides, therefore, the number of inventions is determined by factorial analysis and claim 30 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed peptide or combination of peptides is specifically recited.

Group K3. Claim 30 is drawn to a method of promoting organ development comprising administering an amount of the antibodies of claim 18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 30 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group K4. Claim 30 is drawn to a method of promoting bone development comprising administering an amount of the antibodies of claim

18, classified in Class 424, subclass 130.1. It appears that this claim is drawn to a combination of antibodies, therefore, the number of inventions is determined by factorial analysis and claim 30 is drawn to 6 inventions. Applicant is required to elect a single invention for examination whereby the claimed antibody or combination of antibodies is specifically recited.

Group L. Claim 33 is drawn to a method of preventing or treating cancer comprising administering SEQ ID NO:7, classified in Class 512,subclass2+ or an antibody thereto, classified in Class 424, subclass 130.1+, each of which is a distinct invention. Applicant is required to elect a single invention for examination.

16. It is noted that the two inventive claim limitations of claim 33 of the instant application have been determined to be linking claims. Upon election of a single invention of Group L, claim 33, the restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable.

In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group L1. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent adrenal cancer classified in Class 424, subclass 130.1+.

Group L2. Claims 33-34 are drawn to a method of using the elected invention treat or prevent breast cancer classified in Class 424, subclass 130.1+.

Group L3. Claims 33-34 are drawn to a method of the elected invention to treat or prevent pancreas cancer classified in Class 424, subclass 130.1+.

Group L4. Claims 33-34 are drawn to a method of using an antibody to treat or prevent nervous system cancer classified in Class 424, subclass 130.1+.

Group L5. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent lung cancer classified in Class 424, subclass 130.1+.

Group L6. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent colon cancer classified in Class 424, subclass 130.1+.

Group L7. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent ovarian cancer classified in Class 424, subclass 130.1+.

Group L8. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent prostate cancer classified in Class 424, subclass 130.1+.

Group L9. Claims 33-34 are drawn to a method of using the elected invention to treat or prevent chondrosarcoma cancer classified in Class 424, subclass 130.1+.7.

Group M1. Claim 35 is drawn to a method of preventing type II diabetes comprising administering SEQ ID NO:7 or antibodies reactive therewith, classified in Class 424, subclass 130+ and Class 514, subclass 2+. Applicant is required to elect a single invention for examination.

Group M2. Claim 35 is drawn to a method of treating type II diabetes comprising administering SEQ ID NO:7 or antibodies reactive therewith, classified in Class 424, subclass 130+ and Class 514, subclass 2+. Applicant is required to elect a single invention for examination.

Group N. Claim 36 is drawn to a method of diagnosing or treating women for conditions of pregnancy with SEQ ID NO:7, classified in Class 512,subclass2+ or an antibody thereto, classified in Class 424, subclass 130.1+, each of which is a distinct invention. Applicant is required to elect a single invention for examination.

17. It is noted that the invention of claim 36, N1 of the instant application has been determined to be a linking claim. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise

including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group N1A. Claims 36-37 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is preeclampsia comprising administering SEQ ID NO:7, classified in Class 514, subclass 2+.

Group N1B. Claims 36-37 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is fetal growth comprising administering SEQ ID NO:7, classified in Class 514, subclass 2+.

18. It is noted that the invention of claim 36, N2 of the instant application has been determined to be a linking claim. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the

continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group N2A. Claims 36-37 are drawn to a method of treating conditions related to pregnancy wherein the condition is preeclampsia comprising administering SEQ ID NO:7, classified in Class 514, subclass 2+.

Group N2B. Claims 36-37 are drawn to a method of treating conditions related to pregnancy wherein the condition is fetal growth comprising administering SEQ ID NO:7, classified in Class 514, subclass 2+.

19. It is noted that the invention of claim 36, N3 of the instant application has been determined to be a linking claim. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no

longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group N3A. Claims 36-37 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is preeclampsia comprising administering antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group N3B. Claims 36-37 are drawn to a method of diagnosing conditions related to pregnancy wherein the condition is fetal growth comprising administering antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

20. It is noted that the invention of claim 36, N4 of the instant application has been determined to be a linking claim. The restriction requirement among the following linked inventions is subject to the nonallowance of that linking claim. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group N4A. Claims 36-37 are drawn to a method of treating conditions related to pregnancy wherein the condition is preeclampsia comprising administering antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group N4B. Claims 36-37 are drawn to a method of treating conditions related to pregnancy wherein the condition is fetal growth comprising administering antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group O1. Claim 38 is drawn to a method of regulating activity in areas of CNS, neurotransmission comprising administering an amount SEQ ID NO:7, classified in Class 514, subclass 2+.

Group O2. Claim 38 is drawn to a method of regulating activity in areas of CNS, neuron growth comprising administering administering an amount SEQ ID NO:7, classified in Class 514, subclass 2+.

Group O3. Claim 38 is drawn to a method of regulating activity in areas of CNS, neurotransmission comprising administering an amount of antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group O4. Claim 38 is drawn to a method of regulating activity in areas of CNS, neuron growth comprising administering an amount of antibodies to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group P1. Claim 39 is drawn to is drawn a method of regulating/ lessening the allergic response due to degranulation of mast cells comprising administering an amount of the antibodies against SEQ ID NO:7, classified in Class 424, subclass 130.1.

Group P2. Claim 39 is drawn to is drawn a method of inhibiting the allergic response due to degranulation of mast cells comprising administering an amount of the antibodies against SEQ ID NO:7, classified in Class 424, subclass 130.1.

Group Q1. Claim 40 is drawn to a method of treating/inhibiting bacterial infections comprising administering an amount of SEQ ID NO:7, classified in Class 514, subclass 2+.

Group Q2. Claim 40 is drawn to a method of treating/inhibiting fungal infections comprising administering an amount of SEQ ID NO:7, classified in Class 514, subclass 2+.

Group Q3. Claim 40 is drawn to a method of treating bacterial infections comprising administering an amount of antibody to SEQ ID NO:7, classified in Class 514, subclass 2+.

Group Q4. Claim 40 is drawn to a method of treating fungal infections comprising administering an amount of antibody to SEQ ID NO:7, classified in Class 514, subclass 2+.

Group R. Claim 41 is drawn to four different methods of repairing or healing different conditions each of which is a distinct invention, comprising applying SEQ ID NO:7, classified in Class 514, subclass 2+. Applicant must elect a single invention for examination.

Group S1. Claim 42 is drawn to a method of promoting organ development with SEQ ID NO:7, classified in Class 514, subclass 2+.

Group S2. Claim 42 is drawn to a method of promoting bone development with SEQ ID NO:7, classified in Class 514, subclass 2+.

Group S3. Claim 42 is drawn to a method of promoting organ development with antibody to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group S4. Claim 42 is drawn to a method of promoting bone development with antibody to SEQ ID NO:7, classified in Class 424, subclass 130.1+.

Group T1. Claim 43 is drawn to SEQ ID NO:4, classified in Class 530, subclass 300+

Group T2. Claim 43 is drawn to SEQ ID NO:5, classified in Class 530, subclass 300+

Group T3. Claim 43 is drawn to SEQ ID NO:6, classified in Class 530, subclass 300+

21. The inventions are distinct, each from the other because of the following reasons:

The inventions of Groups A, B, T as disclosed are biologically and chemically distinct, unrelated in structure and function, made by and used in different methods and are therefore distinct inventions.

The inventions of Groups C-S are materially distinct methods which differ at least in objectives, method steps, reagents and/or dosages and/or schedules used, response variables, and criteria for success.

The inventions of Groups A/B and C-K are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (I) the process for using the product as claimed can be practiced with another materially different product or (ii) the product as claimed can be used in a

materially different process of using that product [see *MPEP* § **806.05(h)**]. In the instant case the peptide product as claimed or the antibody product as claimed can be used in a materially different process such as an antigen for the production of antibodies/anti-idiotypic antibodies.

The inventions of Groups A/B and L-S are not at all related because the products of Groups A/B are not used in any of the methods of Groups L-4.

The inventions of Groups T and C-S are not at all related because the products of Groups T are not used in any of the methods of Groups C-S

22. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

23. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

25. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995. The fax phone number for this Art Unit is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Effective, February 7, 1998, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1642.

Susan Ungar
Primary Patent Examiner
April 24, 2003